

Sixth Account and Report of Conservator and Petition for Its Settlement

		TIM COLLINS , father/conservator, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Account period: 4/16/15 – 4/23/16	1. Need itemization of the \$500 per month for conservator fees per minute order dated 9/15/15.
Cont. from 080216		Accounting - \$148,225.44	Itemization filed on 8/2/16 for the \$500 the Conservator receives monthly shows:
<input type="checkbox"/>	Aff.Sub.Wit.	Beginning POH- \$129,453.19	
<input checked="" type="checkbox"/>	Verified	Ending POH - \$126,831.98	<ul style="list-style-type: none"> • Cell phone/ipad \$117.14 • Health insurance \$ 93.86 • Transportation \$150.00 • Monthly accounting, legal, billing, advocacy, meds disbursement \$150.00
<input type="checkbox"/>	Inventory	Conservator - allowed	
<input type="checkbox"/>	PTC	\$500.00 per month per court order dated 4/13/13.	Note: If the petition is granted, status hearings will be set as follows: <ul style="list-style-type: none"> • Wednesday, July 11, 2018 at 9:00 a.m. in Department 303, for the filing of the seventh account.
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg	Current bond- \$61,000.00	Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required.
<input checked="" type="checkbox"/>	Aff.Mail	(sufficient)	
<input type="checkbox"/>	Aff.Pub.	Petitioner prays for an Order:	Reviewed by: KT Reviewed on: 9/7/16 Updates: Recommendation: File 1- Collins
<input type="checkbox"/>	Sp.Ntc.	1. Settling and allowing the sixth account and report;	
<input type="checkbox"/>	Pers.Serv.	2. Approving and confirming the acts of the petitioner as Conservator of the person and estate of Michael Collins.	
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

Attorney Heather H. Kruthers (for Public Guardian, Conservator of the Person and Estate)

Third Account Current and Report of Conservator and Petition for Allowance of Compensation to Conservator and Attorney

		PUBLIC GUARDIAN , Conservator of the Person and Estate, is Petitioner. ~Please see Petition for details~	NEEDS/PROBLEMS/COMMENTS: <u>Note:</u> Bond fee appears to be miscalculated based upon a clerical error showing \$142,823.12 rather than \$142,923.12 , such that the proposed order has been interlineated to reflect the correct bond fee of \$764.62 . <u>Note:</u> If the <i>Petition</i> is granted, Court will set a status hearing as follows: <ul style="list-style-type: none"> • Thursday, August 30, 2018 at 9:00 a.m. in Dept. 303 for filing of the fourth account. Pursuant Local Rule 7.5, if the document noted above is filed 10 days prior to the date listed, the hearing will be taken off calendar and no appearance will be required.	
Cont. from				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail			W/
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
Reviewed by: LEG				
Reviewed on: 9/6/16				
Updates:				
Recommendation:				
File 2- Johnson				

3A Ben H. Smith & Dorothy Jean Smith (CONS/PE) Case No. 11CEPR00782

Attorney Kruthers, Heather H. (for Public Guardian – Conservator)

Attorney Krbechek, Randolph (for Michael “Butch” Smith, Jr. – Grandson – Objector)

First and Final Account and Report of Conservator; Petition for Allowance of Compensation to Conservator and her Attorney; and Distribution (Ben Smith)

Ben H. Smith DOD: 6/28/14		The FRESNO COUNTY PUBLIC GUARDIAN, Conservator, is Petitioner.	NEEDS/PROBLEMS/ COMMENTS:
		Account period: 1/18/13 – 6/28/14	Note: This accounting pertains to the Conservatorship of Ben Smith only. <u>Minute Order 8/25/16:</u> Matter is trailed to the date of the competing probate petition. Mandatory Settlement Conference Statements are due by 9/27/16; parties are to be prepared on 9/13/16 with a time estimate for trial. Note: See Pages 16 and 17 of this calendar re probate estate petitions. <u>SEE ADDITIONAL PAGES</u>
		Accounting: \$755,837.19	
		Beginning POH: \$647,238.74	
		Ending POH: \$580,123.89	
Cont. from 051916, 062316, 082516		Account period: 6/29/14 – 2/4/16	
		Accounting: \$635,234.06	
		Beginning POH: \$580,123.89	
		Ending POH: \$584,849.02	
		(\$51,230.14 cash, investment account, real property and business interests)	
		Conservator: \$13,917.68 (for 117.79 Deputy hours @ \$96/hr and 34.34 Staff hours @ \$76/hr, itemized at Exhibit C)	
		Attorney: \$3,990.00 (for 26.60 attorney hours @ \$150/hr, itemized at Exhibit D)	<u>SEE ADDITIONAL PAGES</u>
		Bond fee: \$697.50	
		Costs: \$643.00 (\$208 for certification of letters and \$435 for filing this account)	
		Petitioner states the deceased Conservatee reportedly has a trust and his assets will pass to that trust. Again, reportedly, Michael (Butch) Smith, Jr., his grandson, is the trustee of that trust. Butch Smith has not provided a copy of that trust to the Public Guardian for verification or attachment to this petition.	
		Petitioner states pursuant to court orders, the total fees incurred by attorneys Jeffrey Jaech and Catherine Amador are \$40,767.00 and \$18,932.00, respectively. They have each been paid \$10,000.00. Neither the Public Guardian nor County Counsel has received any payments for their services.	
		<u>SEE ADDITIONAL PAGES</u>	
			Reviewed by: skc Reviewed on: 9/6/16 Updates: Recommendation: File 3A - Ben Smith

3A

Page 2

Petitioner requests authority to retain the cash on hand as payment of Public Guardian and County Counsel fees and costs, and partial payment to Mr. Jaech and Ms. Amador the remaining \$31,981.96 in percentages/amounts to be determined by the Court. Petitioner requests that the outstanding fees be a lien against the deceased conservatee's real properties.

Petitioner further requests distribution of the real and personal property to the trustee.

Petitioner states the Public Guardian has so far been unable to finish the final income tax returns because Michael (Butch) Smith, Jr. has refused to give permission to Chase Investments to release the detailed 1099s for the last two years. If the taxes are not completed before distribution of the estates, then the taxes must be the responsibility of the trustees.

Petitioner states the Conservatee has not received benefits from or through the Veterans Administration and the Conservatee has not been confined in a state hospital in California during the pendency of these proceedings. No one has filed a request for special notice.

Petitioner prays that:

1. The Court find that the conservatorship of the person and estate terminated on 6/28/14, the conservatee's date of death;
2. The Court find that notice of hearing of this first and final account, report and petition has been given as required by law, and make an order approving, allowing and settling the attached first and final account and report of conservator;
3. The Court authorize Petitioner \$13,917.68 and her attorney \$3,990 as compensation for their services during the period of this accounting;
4. The Court authorize Petitioner to pay from the estate a bond fee of \$697.50 and a processing fee of \$208; (Note: Payment of the \$435 filing fee is also included in the cost calculation.)
5. The Court authorize distribution of the balance of property on hand as set forth in this petition;
6. The Court authorize a lien on the deceased conservatee's estate, including his real property;
7. The Court excuse the Public Guardian from filing tax returns; and
8. Any other orders that the Court considers proper.

SEE ADDITIONAL PAGES

Page 3

On 4/28/16, Mike (Butch) Smith, Jr., filed Objections to this accounting for Conservatee Benjamin H. Smith and the related accounting for Conservatee Dorothy Jean Smith (one document).

Objector states there are common issues in the accounting for the Jean Smith conservatorship estate and the Ben Smith conservatorship estate and the two matters should be set for the same date. One of the assets of the Ben Smith conservatorship estate was a note payable by Mahil Farms, which note was made in payment for a sale of real property held by Ben Smith and Jean Smith as joint tenants. Jean Smith held no interest in such joint tenancy property after her death (10/18/12).

The Ben Smith accounting reflects payments from Mahil Farms totaling \$117,960.80. The Jean Smith accounting reflects payments totaling \$77,980.40. See Objection for details. Jean Smith's joint tenancy interest in the Mahil payments ended at her death on 10/18/12. She was entitled to receive one-half of the 2012 payment in the amount of \$24,490.20. She was not entitled to receive payments after her death. The balance of the payments in the sum of \$53,470.60 (\$77,960.80 minus \$24,490.20) are property of the Ben Smith conservatorship estate.

Objector states the two conservatorship estates hold the following real property, which were community assets:

Per Jean Smith Accounting:

3140 N. Grantland, \$14,645 rent collected

3162 N. Grantland, \$8,800 rent collected

6464 W. McKinley, \$36,900 rent collected

Total: \$60,345

The Jean Smith Accounting reflects various rental income from these properties. See Objection for list. For reasons not explained, all of the income was allocated to the Jean Smith conservatorship estate, and none to the Ben Smith conservatorship estate, which is not proper, because each estate owned a one-half interest in these properties. In addition, despite the fact that no rental income was allocated to the Ben Smith conservatorship estate, rental expenses totaling \$2,246.39 were allocated to the Ben Smith conservatorship estate. Income and expenses for rental properties must be allocated consistently.

Objector states Benjamin Smith had a trust and his assets will pass to that trust. Butch Smith is the trustee of that trust. The estate planning documents were prepared by attorney Jeffrey Jaech, who was previously the attorney for Conservatee herein. Mr. Jaech not only provided the estate planning documents to Petitioner, he filed them with the court, as established in an email dated 2/9/13. In all events, the undersigned counsel (attorney Krbechek) has, in response to the petition for distribution, mailed another set of the estate planning documents to counsel for petitioner on 4/7/16.

SEE ADDITIONAL PAGES

Page 4

Objector states (Cont'd): Paradise Cleaners: The petition reflects a zero value for Paradise Cleaners, a business owned by Michael H. Smith, Sr. However, such valuation is contrary to the opinion of Steven Diebert as expressed in an email dated 5/7/13. See Objection for copy of email. Accordingly, the inventories and petitions should be modified to account for this asset.

Accounting expenses: The accounting for Ben Smith reflects \$5,634.13 in tax services. The accounting for Jean Smith reflects \$6,025 for tax services. Objector states he does not know the billing rate for the accountant and cannot determine whether charges are duplicated.

Concerning the Morgan Stanley statements, the undersigned counsel personally delivered the 2013 and 2014 statements to County Counsel in Probate Court on 10/20/14, as confirmed by email. The information was re-sent, and he will re-send the 2015 information upon receipt.

Attorney fees: An appeal has been taken from the Order After Hearing on Petition for Attorney's Fees filed on 1/15/16. *(Examiner's Note: Appellant's Notice Designating Record on Appeal was filed 5/11/16 by Mike (Butch) Smith, Jr.)*

Conclusion: Butch Smith objects to a distribution of the conservatorship estates that do not take the foregoing items into account.

The Public Guardian's Response to Objections filed 5/17/16 states:

- Objector does not include a \$20,000 payment made to Ben Smith by check from Dorothy Smith's conservatorship estate on 9/9/12.
- Objector states: "rental income and expenses should be shared." Having little direction on this case as to what to pay from whom, initially the PG paid the expenses out of Dorothy Smith's account because she had money. Later, when it appeared all properties would go to her except 1661 N. Grantland (based on settlement discussions), the PG stopped paying expenses for that property in anticipation that the beneficiary would pay them. If Objector would like to argue his point that Dorothy Smith received rents so Ben Smith should not have to pay for the expenses, then the PG can credit part of the rents to Ben Smith, and the expenses Dorothy Smith paid for the 1661 property can be credited to her. The PG advises that this would result in a much larger amount going to Dorothy Smith.
- Objector insinuates the accountant's time must be overlapping because there is so much of it. The PG can attest that the times are not double-billed. The account is very complex and the accountant had to amend some returns because the PG did not have complete information the first time the returns were filed.
- Objector states he delivered the Chase "statements" to County Counsel. What was requested were consolidated 1099s that the CPA needs to complete taxes. No such documents were received until 5/2/16.

SEE ADDITIONAL PAGES

Petitioner prays the Court deny the objections and approve the accounts. If the Court is unwilling to do so, PG pleads with the Court to set a mandatory settlement conference or require that the parties participate in mediation before any other hearings occur. This case involves jointly held assets between married persons who left two differing estate plans and a hostile family. Attorney fees already exceed the property on hand in at least one of the conservatorship estate and the full amount of fees to the PG and County Counsel has not even been considered by this Court yet.

Objector's Reply to the PG's Response filed 5/19/16 (duplicate filed 5/20/16) states:

- Objector will accept that the Ben Smith estate should pay \$658.96 to the Jean Smith estate as an equalizing payment, but will not agree to forfeit the additional sums collected on the Mahil Farms promissory note.
- Objector acknowledges the \$20,000 distribution referenced by the PG. With credit for that distribution, \$33,470.650 should be distributed from the Ben Smith Conservatorship to the Dorothy Smith Conservatorship. See Reply for details.
- Benjamin Smith had a trust and his assets will pass to that trust. Butch Smith is the trustee.
- The petitions fail to reflect the value of Paradise Cleaners, a business owned by Michael H. Smith, Sr. In the opinion of Steven Dlebert expressed in an email to Melody Long, a paralegal employed by Fresno County, dated 5/7/13, a receivable in the amount of \$168,000 should be included as an asset of the two estates, presumably one-half to each.
- Objector accepts that the accounting expenses were charged one-half to each estate as represented by the PG.

Objector states while the issues are substantially narrowed, Objector objects to a distribution from the conservatorship estates that do not take the foregoing items into account.

NEEDS/PROBLEMS/COMMENTS:

1. Notice was only given to the two sons and one grandson. Pursuant to Probate Code §1460(b)(6), notice on a petition to terminate conservatorship shall be given to all relatives listed in and given notice under the original petition (second degree relatives). Therefore, need notice to:
 - Jenna Smith Abbott (granddaughter)
 - Grace McCarter (Sister)
 - Barbara Henry (Sister)
 - Benjamin M. Smith (Grandson, who is not listed at Paragraph 10 of the petition)
 - Kendra Smith (Granddaughter)
 - Brandon Smith (Grandson)(See original petition filed 9/1/11 by Jean Smith and petition filed 9/25/12 by Mike and Jenna)
2. Notice of Hearing for the two sons (Michael Smith and Rodney Smith) and grandson (Michael "Butch" Smith, Jr.) was for 5/2/16, which hearing date was taken off calendar. This matter was then re-set for 5/19/16, but without continuity of notice. Therefore, additional notice for this continued date of 6/23/16 on this petition should have been sent to these parties.

SEE ADDITIONAL PAGES

Page 6 – NEEDS/PROBLEMS/COMMENTS (Cont'd):

3. The original petition for conservatorship of Benjamin H. Smith filed 9/1/11 and the second petition filed 9/25/12 stated the Conservatee is receiving or entitled to receive Veterans Benefits. Therefore, need notice to the Office of Veterans Administration pursuant to Probate Code §1461.5.
4. Item #2 on Attachment #1 to the I&A filed 2/26/14 lists "Genworth Account Type: Flexible Premium Deferred Annuity, Acct. No xx2754. Balance on 1/18/13" at \$2,940.38. It appears from the I&A that this account/balance is the entirety of the account. However, the I&A filed 12/18/13 in the Dorothy Smith Conservatorship Estate reflects this same balance, \$2,940.38, as her 50% share, which balance would be as of establishment of her conservatorship on 6/26/12. If that amount was Dorothy's 50% share on 6/26/12, how can that same amount be the entire balance on 1/18/13, which is after Dorothy's death?
5. The Probate Referee assigned Paradise Dry Cleaners a value of \$0. Objector states the business did have value, with reference to an email between the Probate Referee and County Counsel Staff. The email describes that the reason behind the \$0 value is that the business had more debt than it would net from sale, and in fact, the debt, \$168,083.00, was owed to the "decedent" (unclear which spouse's estate the email refers to), and that receivable is the real asset.

Therefore, need clarification regarding this valuation and debt owed. Need authority for valuation of \$0, and clarification as to why the receivable was not inventoried.
6. Need account statements per Probate Code §2620(c).
7. Petitioner requests distribution of the remaining assets of the conservatorship estate directly to a trust (Michael (Butch) Smith Jr., *reportedly* as trustee), which trust document has not been provided to the Public Guardian or to the Court. However, Examiner is not aware of any authority for distribution from a conservatorship estate directly to a trust outside of substituted judgment, which is not the case here. Further, real property cannot be distributed directly from a conservatorship. Conservatorship estate assets that were held outside of trust must be turned over to the personal representative of the Conservatee's (now Decedent's) estate. See Commentary under Probate Code §2631 (Annotated Probate Code).

3B Ben H. Smith & Dorothy Jean Smith (CONS/PE) Case No. 11CEPR00782

Attorney Kruthers, Heather H. (for Public Guardian – Conservator)

Attorney Krbechek, Randolph (for Michael “Butch” Smith, Jr. – Grandson – Objector)

Amended First and Final Account and Report of Conservator; Petition for Allowance of Compensation to Conservator and her Attorney; and Distribution (Dorothy Jean Smith)

Dorothy Smith DOD: 10/18/12	The FRESNO COUNTY PUBLIC GUARDIAN , Conservator, is Petitioner. Note: Letters of Conservatorship issued 7/13/12. The Conservatee died 10/18/12.	NEEDS/PROBLEMS/COMMENTS:
Cont. from 051916, 062316, 082516	Account period: 6/26/12 – 10/18/12	Note: This accounting pertains to the Conservatorship of Dorothy Jean Smith only.
Aff.Sub.Wit.	Accounting: \$733,869.23	
✓ Verified	Beginning POH: \$655,215.93	
✓ Inventory	Ending POH: \$533,827.39	
PTC		
Not.Cred.		
✓ Notice of Hrg	Account period: 10/19/12 – 2/2/16	Minute Order
✓ Aff.Mail	Accounting: \$711,326.31	8/25/16: Matter is trailed to the date of the competing probate petition.
Aff.Pub.	Beginning POH: \$533,827.39	Mandatory Settlement Conference
Sp.Ntc.	Ending POH: \$501,725.72	Statements are due by 9/27/16; parties are to be prepared on 9/13/16 with a time estimate for trial.
Pers.Serv.	(\$3,888.22 cash, real property and business interests, personal property)	
Conf. Screen	Conservator: \$3,289.56 (for 20.99 Deputy hours @ \$96/hr and 16.77 Staff hours @ \$76/hr, itemized at Exhibit C)	
✓ Letters 7/13/12	Attorney: \$1,000.00 (per Local Rule)	
Duties/Supp	Bond fee: \$697.50	
Objections	Costs: \$539.00 (\$104 for certification of letters and \$435 for filing this account)	
Video Receipt	Petitioner states the deceased Conservatee has a trust and her assets will pass to that trust. Michael Smith, Sr., her son, is the trustee of that trust. Petitioner requests authority to retain the cash on hand as partial payment of fees and requests that the outstanding fees be a lien against the deceased conservatee's real properties. She further requests distribution of the real property.	Note: See Pages 16 and 17 of this calendar re probate estate petitions.
CI Report		
✓ 2620(c)		SEE ADDITIONAL PAGES
✓ Order		
Aff. Posting		Reviewed by: skc
Status Rpt		Reviewed on: 9/6/16
UCCJEA		Updates:
Citation		Recommendation:
FTB Notice		File 3B - Dorothy Smith
	SEE ADDITIONAL PAGES	

3B

Page 2 - Petitioner prays that:

9. The Court find that the conservatorship of the person and estate terminated on 10/18/12, the conservatee's date of death;
10. The Court find that notice of hearing of this first and final account, report and petition has been given as required by law, and make an order approving, allowing and settling the attached first and final account and report of conservator;
11. The Court authorize Petitioner \$3,289.56 and her attorney \$1,000.00 as compensation for their services during the period of this accounting;
12. The Court authorize Petitioner to pay from the estate a bond fee of \$697.50 and a processing fee of \$208; (Note: Payment of the \$435 filing fee is also included in the cost calculation.)
13. The Court authorize distribution of the balance of property on hand as set forth in this petition;
14. The Court authorize a lien on the deceased conservatee's estate, including her real property;
15. The Court excuse the Public Guardian from filing tax returns; and
16. Any other orders that the Court considers proper.

Examiner's Note: See Page A re Objections filed 4/28/16 by Mike (Butch) Smith, Jr., the Public Guardian's Response, and Objector's Reply to Response.

NEEDS/PROBLEMS/COMMENTS:

8. Notice was only given to the two sons and one grandson. Pursuant to Probate Code §1460(b)(6), notice on a petition to terminate conservatorship shall be given to all relatives listed in and given notice under the original petition (second degree relatives). Therefore, need notice to:
 - Jenna Smith Abbott (granddaughter)
 - Shirley Tosta (Sister)
 - Benjamin M. Smith (Grandson)
 - Kendra Smith (Granddaughter)
 - Brandon Smith (Grandson)(See original petition filed 5/18/12 by Michael H. Smith and Jenna Smith)
9. Petitioner requests distribution of the remaining assets of the conservatorship estate directly to a trust. However, Examiner is not aware of any authority for distribution from a conservatorship estate directly to a trust outside of substituted judgment, which is not the case here. Further, real property cannot be distributed directly from a conservatorship. Conservatorship estate assets that were held outside of trust must be turned over to the personal representative of the Conservatee's (now Decedent's) estate. See Commentary under Probate Code §2631 (Annotated Probate Code).

Attorney Heather H. Kruthers (for Public Guardian, Conservator of the Person and Estate)

Second Account Current and Report of Conservator and Petition for Allowance of Compensation to Conservator and Attorney

			PUBLIC GUARDIAN, Conservator of the Person and Estate, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
			~Please see Petition for details~	<p>Note: If the <i>Petition</i> is granted, Court will set a status hearing as follows:</p> <ul style="list-style-type: none"> Thursday, August 30, 2018 at 9:00 a.m. in Dept. 303 for filing of the fourth account. <p>Pursuant Local Rule 7.5, if the document noted above is filed 10 days prior to the date listed, the hearing will be taken off calendar and no appearance will be required.</p>
Cont. from				
	Aff.Sub.Wit.		Court Investigator's Report was filed 9/7/2016.	
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail	W/		
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
✓	2620			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
			Reviewed by: LEG	
			Reviewed on: 9/6/16	
			Updates: 9/7/16	
			Recommendation:	
			File 4- Valencia	

5 Dale Casey Reynolds (Estate)**Case No. 15CEPR00079****Attorney: Jeffrey Jaech (for former Administrator Dustin C. Reynolds)****Attorney: Heather H. Kruthers (for Public Administrator/Successor Administrator)****Probate Status Hearing Re: Status of the Estate**

DOD: 1/15/15	PUBLIC ADMINISTRATOR is the current successor Administrator pursuant to minute order dated 6/14/16.	NEEDS/PROBLEMS/COMMENTS:
		1. Status Report does not indicate that it was served on all interested parties. Local Rule 7.5B requires Notice of the Status hearing along with a copy of the Status Report to be served on all necessary parties.
Cont. from	DUSTIN C. REYNOLDS was appointed as Administrator with Limited IAEA authority and with bond set at \$20,000.00 on 3/27/15.	
Aff.Sub.Wit.		
Verified		
Inventory		
PTC	Bond was filed on 4/22/15.	
Not.Cred.	Letters issued on 4/29/15.	
Notice of Hrg	I & A filed 7/30/15 shows the estate valued at \$155,776.21.	
Aff.Mail		
Aff.Pub.	On 6/14/16 the Court removed Dustin Reynolds as Administrator and appointed the PUBLIC ADMINISTRATOR .	
Sp.Ntc.		
Pers.Serv.	Status Report filed on 9/8/16 states Deputy Public Administrator Scott Stacey met with Dustin Reynolds and served him with a 60 day notice to vacate the house [an asset of the estate]. He is supposed to be out by October 19, 2016. Once the house is vacated Deputy Stacey plans to have an auction at the house to sell the home's contents. Once this is completed the house will be put up for sale. The estate will not be ready to close until the real and personal property are sold and taxes are paid. To allow time to do that and prepare a final account the Public Administrator requests that the next status hearing be continued for another six months.	
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		Reviewed by: KT
UCCJEA		Reviewed on: 9/7/16
Citation		Updates: 9/9/16
FTB Notice		Recommendation:
		File 5- Reynolds

Attorney Stephanie J. Krause Cota (for Joseph R. Martinez, Jr.)
 Attorney Deborah K. Boyett (Court-appointed for Conservatee)

Probate Status Hearing Re: Filing of the First Account

Age: 67 years	<p>JOSEPH R. MARTINEZ, JR., son, was appointed Conservator of the Person and Estate on 6/16/2015 with bond set at \$24,000.00. Proof of Bond filed 3/12/2015. Letters issued on 6/23/2015.</p> <p>Final Inventory and Appraisal filed 11/5/2015 shows an estate consisting of life insurance policy with a face value to be determined, cash, and monthly benefits payments, totaling \$17,134.33.</p> <p>Pursuant to Probate Code § 2620(a), the first account was due on 6/23/2016.</p> <p>Minute Order dated 6/16/2015 from the hearing on the petition for appointment of conservator set the matter for status hearing on 9/13/2016 for filing of the first account of the conservatorship.</p> <p>Status Report Regarding Filing of First Account filed 9/9/2016 states:</p> <ul style="list-style-type: none"> • After being evicted from several care facilities, Conservatee is residing on East Hedges in Fresno; Conservatee has a niece living next door to him and a sister one unit over, both of whom keep an eye on the Conservatee and assist him as needed; Conservatee is doing well at his current location; • Conservator has been unable to provide his attorney with all of the information she has requested in order to prepare the accounting; the reason for the delay is that Conservator has had several trips to the hospital due to numerous and on-going health problems, and recently had to undergo surgery; • With health problems substantially under control, the Conservator is committed to providing his attorney with the necessary information to prepare the accounting, having previously provided information through late 2015; he will provide the additional information needed in order to prepare a current accounting; • Conservator and his attorney request a 60-day continuance of this status hearing in order to prepare and file the First Account and Report of Conservator. 	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need first account of the conservatorship estate.</p>
Cont. from		
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail		
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input checked="" type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		<p>Reviewed by: LEG</p> <p>Reviewed on: 9/6/16</p> <p>Updates: 9/9/16</p> <p>Recommendation: File 6- Martinez</p>

First Account and Report of Administrator and Petition for Allowance of Ordinary and Extraordinary Commissions and Fees and for Partial Distribution

DOD: 12/19/14	PUBLIC ADMINISTRATOR is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
	Account period: 4/22/15 – 7/13/16	Minute Order 8/23/16:
	Accounting: \$468,626.40	Counsel represents that [heirs]
	Beginning POH: \$456,500.00	Joshua Garcia and Jordan
Cont. from 082316	Ending POH: \$397,823.80 (Cash)	Garcia are both minors.
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified	Public Administrator (Statutory): \$11,972.53	
<input checked="" type="checkbox"/> Inventory		
<input checked="" type="checkbox"/> PTC	Public Administrator (Extraordinary): \$2,248.00	
<input checked="" type="checkbox"/> Not.Cred.	(for sale of two properties per local rule and final estate tax return preparation and filing)	
<input checked="" type="checkbox"/> Notice of Hrg	Attorney (Statutory): \$11,972.53	
<input checked="" type="checkbox"/> Aff.Mail		
<input type="checkbox"/> Aff.Pub.	Bond fee: \$1,464.45	
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.	Costs: \$511.50 (filing, processing)	
<input type="checkbox"/> Conf. Screen	Petitioner states the estate is not in a condition to be closed because there is an ancillary proceeding in Oregon to sell real property. Petitioner requests authority to pay all authorized fees and commissions totaling \$28,169.01, and requests authority to make distribution of one-half of the remaining estate of \$184,827.40 as follows:	
<input checked="" type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input checked="" type="checkbox"/> 9202	Partial distribution pursuant to intestate succession:	
<input checked="" type="checkbox"/> Order	<ul style="list-style-type: none"> • Maria Begonia Brownson: \$23,103.43 (1/8) • Armando Garcia: \$23,103.43 (1/8) • Johnny Garcia: \$23,103.43 (1/8) • Richard Garcia: \$23,103.43 (1/8) • Raul (Rudy) Garcia: \$23,103.43 (1/8) • Jose Luis Garcia: \$23,103.43 (1/8) • Drusilla Ruth Nieves Garcia: \$7,701.14 (1/24) • Lorena Michelle Garcia: \$7,701.14 (1/24) • Amelia Garcia: \$7,701.14 (1/24) • Stephanie Marie Garcia: \$4,620.69 (1/40) • Alexander Henry Garcia: \$4,620.69 (1/40) • Monica Christina Garcia: \$4,620.69 (1/40) • Joshua Henry Garcia: \$4,620.69 (1/40) • Jordan Garcia: \$4,620.69 (1/40) 	
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input checked="" type="checkbox"/> FTB Notice		
		1. Petitioner states two of the heirs' ages and addresses are unknown (Joshua Garcia and Jordan Garcia), and the PA will hold their preliminary distribution shares and continue to look for them.
		It appears from the Notices of Hearing filed 7/29/16 and 8/26/16 that they have been located and sent notice at confidential addresses, and notice was also sent to a Theresa Senter at a confidential address.
		Need clarification: Is Theresa Senter the parent or guardian of both minors? Also, the Court may require that the minors' shares be distributed to blocked accounts. If so, need blocking orders.
		Note: The Court will set a status hearing for the filing of the second and final account and petition for final distribution as follows:
		<ul style="list-style-type: none"> • Tuesday, September 5, 2017
		Reviewed by: skc
		Reviewed on: 9/6/16
		Updates:
		Recommendation:
		File 7- Garcia

Attorney Janet L. Wright (for Administrator Anthony P. DiEgidio)
 Attorney Kenneth A. Baldwin (for Mareen Grabowski, mother)

Petition for Approval of First Account and Report and for Authority to Redeem Estate Assets Pursuant to Terms of Limited Liability Company Agreements

DOD: 3/21/2015		ANTHONY P. DIEGIDIO , father and Administrator, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Account period: 3/21/2015 – 7/4/2016	1. Court may require proof of service of Notice of Hearing for Decedent's sister, as mentioned in the <i>Petition</i> , who co-owns the three LLC companies with Petitioner and the Decedent's estate.
Cont. from		Accounting - \$401,857.89	
		Beginning POH - \$298,413.39	
		Ending POH - \$291,965.44 (\$8,354.44 cash)	
<input type="checkbox"/>	Aff.Sub.Wit.	Administrator - Not requested at this time	
<input checked="" type="checkbox"/>	Verified	Attorney - Not requested at this time	
<input type="checkbox"/>	Inventory	Administrator CC - \$8,789.50 (Creditor's Claim filed 9/28/2015 for funeral expenses;)	
<input type="checkbox"/>	PTC	EECU CC - \$15,103.20 (Creditor's Claim filed 7/13/2015 by Education Employees Credit Union;)	
<input checked="" type="checkbox"/>	Not.Cred.	Costs - Not requested at this time	
<input checked="" type="checkbox"/>	Notice of Hrg	Petitioner states:	
<input checked="" type="checkbox"/>	Aff.Mail W/	<ul style="list-style-type: none"> Decedent's estate is illiquid and subject to substantial debt, which has complicated the probate administration; Decedent's assets had insufficient value when liquidated to cover Decedent's debt and expenses of administration; The primary assets of the estate are (1) Decedent's residence, with a mortgage substantially in excess of the fair market value; and (2) Decedent's minority interests in three (3) limited liability companies organized and operated in Delaware, subject to transfer restrictions applicable at death, which were gifted to the Decedent by his father shortly before the Decedent's death; the companies are co-owned with Decedent's father and Decedent's sister; A Supplemental Inventory and Appraisal will be filed prior to the petition for distribution of the estate, for Decedent's tangible personal property; The estate is still not in a position to pay its outstanding administrative expenses and debt, estimated at ~\$100,000.00; the cash available is ~\$8,000.00; ~Please see additional page~ 	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters 052915		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input checked="" type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input checked="" type="checkbox"/>	FTB Notice		

Reviewed by: LEG

Reviewed on:

9/6/16

Updates: 9/7/16

Recommendation:

File 8- DiEgidio

Petitioner states, continued:

- **Additional Funds from Redemption of LLC Units:** the terms of the LLC Agreements for all 3 companies provide that at the death of a Member, the units owned by the Deceased Member are required to be purchased by the company on specific terms;
- Decedent by execution of the LLC Agreement acknowledged acceptance of the terms, including limitation on transferability at death and the company's right to repurchase units (*copies of LLC Agreements attached as Exhibit B*); *statement of terms omitted*;
- Administrator sent Notice of Proposed Action outlining his intention to redeem by selling units back to the LLCs all of the limited liability company units in compliance with the transfer restrictions set forth in the Operating Agreements of each limited liability company; beneficiary **MAUREEN C. GRABOWSKI** Objected to the proposed redemptions as set forth in the Notices of Proposed Action (*copies attached*);
- The purchase price for each LLC unit was the value assigned by Probate Referee on Inventory and Appraisal Partial No. 2 filed 10/27/2015;
- No basis has been given to support the objections to the Notice of Proposed Action; in light of the objections, Administrator will need Court approval to finalize the transactions;
- Petitioner requests Court approval for the redemption of the Decedent's LLC units [specified in Section 10.5 of LLC Agreements, and paragraph 15, pages 5 to 6];
- Once the manner in which cash will be raised is resolved, the estate will be in a position to close with any remaining Promissory Notes distributed to beneficiaries.

Petitioner requests the Court order:

1. That the First Account and Report of Anthony P. DiEgidio as Administrator be settled, allowed and approved as to all matters except those listed as part of the increase to liabilities during administration;
2. That all acts and proceedings of Anthony P. DiEgidio as Administrator as set forth in the petition be confirmed and approved;
3. That the Administrator be authorized and directed to redeem the Decedent's LLC units as follows:
 - a. To 2500, LLC: 260 Units (a 26% ownership interest) in 2500, LLC, a Delaware limited liability company, for a total purchase price of **\$163,794.00**, payable as follows:
 - **\$8,190.00** equaling five percent (5%) of the purchase price, shall be paid in cash; and
 - **\$155,604.00** shall be paid in the form of a Promissory Note which provides for equal monthly payments of principal and interest over a twenty-five (25) year term, with interest fixed at The Wall Street Journal Prime Rate forty-five (45) days prior to the settlement date for the sale.
 - b. To Hot Cars, LLC: 260 Units (a 26% ownership interest) in Hot Cars, LLC, a Delaware limited liability company, for a total purchase price of **\$14,160.00**, payable as follows:
 - **\$708.00** equaling five percent (5%) of the purchase price, shall be paid in cash; and
 - **\$13,452.00** shall be paid in the form of a Promissory Note which provides for equal monthly payments of principal and interest over a twenty-five (25) year term, with interest fixed at The Wall Street Journal Prime Rate forty-five (45) days prior to the settlement date for the sale.
 - c. To APD8, LLC: 10 Units (a 1% ownership interest) in APD8, LLC, a Delaware limited liability company, for a total purchase price of **\$10,657.00**, payable as follows:
 - **\$533.00** equaling five percent (5%) of the purchase price, shall be paid in cash; and
 - **\$10,124.00** shall be paid in the form of a Promissory Note which provides for equal monthly payments of principal and interest over a twenty-five (25) year term, with interest fixed at The Wall Street Journal Prime Rate forty-five (45) days prior to the settlement date for the sale.

Status RE: Filing of the First or Final Account

DOD: 4/11/15	SANDRA ANN SMITH , Spouse, was appointed Administrator with Full IAEA without bond and Letters issued on 6/2/15.	NEEDS/PROBLEMS/COMMENTS: 1. Need first account or petition for final distribution per Probate Code §12200 or written status report per Local Rule 7.5.
Cont. from	At the hearing on 6/2/15, the Court set this status hearing for the filing of the first account or petition for final distribution.	
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: skc
		Reviewed on: 9/6/16
		Updates:
		Recommendation:
		File 9- Smith

Petition for Appointment of Temporary Guardian of the Person

			See petition for details.	NEEDS/PROBLEMS/COMMENTS: <u>Note:</u> This is a competing petition. The original petition filed by Judith Jackson is set for trial on 10/18/16. See Minute Order 8/17/16 for details. 1. Need Notice of Hearing. 2. Need proof of personal service of Notice of Hearing with a copy of this temp petition at least five court days prior to the hearing per Probate Code §2250(e) on: - Samuel Beauchamp (Kelsey's father) 3. The Court may also require that notice of this temp petition be served on maternal grandmother Judith Jackson, with whom the minors currently reside, and on Quinn's paternal grandparents, Henry Montez, Sr., and Alma Suarez-Armiento, as their visitation petition is currently pending trial, per Probate Code §2250(e).
<input type="checkbox"/>	Aff.Sub.Wit.			
✓	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input type="checkbox"/>	Notice of Hrg	X		
<input type="checkbox"/>	Aff.Mail			
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.	X		
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
✓	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
✓	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
			Reviewed by: skc	
			Reviewed on: 9/6/16	
			Updates:	
			Recommendation:	
			File 10- Jackson	

Guardian Bonni Cabrera (Pro Per, half-sister)

Probate Status Hearing Re: Proof of Psychologist for Counseling and Visitation

		BONNI CABRERA , half-sister, was appointed Guardian on 2/23/2016; Letters issued 2/24/2016. ~Please see Petition for details~	NEEDS/PROBLEMS/COMMENTS: <u>Continued from 7/19/2016.</u>
Cont. from 060716, 071916			
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		Reviewed by: LEG	
		Reviewed on: 9/6/16	
		Updates:	
		Recommendation	
		File 11- Martin/ Brown	

Petitioner Brenda Tilson (Pro Per, maternal grandmother)

Petition for Appointment of Guardian of the Person

		TEMPORARY EXPIRES 3/8/2016; extended to 4/26/2016; extended to 6/7/2016; extended to 6/14/2016; extended to 9/13/2016 BRENDA TILSON , maternal grandmother, is Petitioner. <p align="center"><i>~Please see Petition for details~</i></p> Court Investigator's Report was filed on 3/2/2016.	NEEDS/PROBLEMS/COMMENTS: <u>Continued from 6/14/2016.</u> Minute Order states the Court orders supervised visits with Brittany and mother each week for 2 hours at McDonalds. Guardian is to be present at all times. Jasmine can visit with mother if she chooses. The Court vacates the OSC. Temporary letters extended for the last time to 9/13/2016. Examiner notes given. The following issues remain: 1. Need proof of <u>personal service</u> of the Notice of Hearing with a copy of the Petition for Appointment of Guardian, or Consent to Appointment of Guardian and Waiver of Notice, or a Declaration of Due Diligence, for: <ul style="list-style-type: none"> • Donald Leiffer, father of Jasmine (service by mail filed 1/22/2016 is insufficient); • Jeffrey Jones, father of Brittany, if Court does not find due diligence per declaration filed 1/22/2016. <p align="center"><i>~Please see additional page~</i></p>	
Cont. from 030816, 042616, 060716, 061416				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	ICWA-030			X
✓	Notice of Hrg			
✓	Aff.Mail			W /O
	Aff.Pub.			
	Sp.Ntc.			
✓	Pers.Serv.			
✓	Conf. Screen			
✓	Letters			
✓	Duties/S			
	Objections			
	Video Rcpt			
✓	CI Report			
✓	Clearance			
✓	Order			
	Aff. Posting			
	Status Rpt			
✓	UCCJEA			
	Citation			
	FTB Notice			
			Reviewed by: LEG	
			Reviewed on: 9/6/16	
			Updates:	
			Recommendation:	
			File 12 - Jones/ Leiffer	

NEEDS/PROBLEMS/COMMENTS, continued:

2. Need proof of service by mail of the *Notice of Hearing* with a copy of the *Petition for Appointment of Guardian*, or *Consent to Appointment of Guardian and Waiver of Notice*, or a *Declaration of Due Diligence*, for:
 - **Billie Tilson**, maternal grandfather;
 - paternal grandparents of Jasmine;
 - paternal grandparents of Brittany;
 - **Kegan Jones**, half-sibling of Brittany, if age 12 or over;
 - **Macy Jones**, half-sibling of Brittany, if age 12 or over.
3. Court Investigator's *Report* filed 5/29/2013 indicates the Petitioner reports that she has Cherokee Indian blood, but states that she is not registered; Court Investigator states that an ICWA packet was sent to the Petitioner. Court records do not show the *Notice of Child Custody Proceeding* (Form ICWA-030) has been submitted by Petitioner to the Court for service of notice as required. **Need the *Notice of Child Custody Proceeding* (Form ICWA-030) to be completed by the Petitioner and submitted by her to the Probate Clerk**, in order for the Court to mail this form for service of notice to the required agencies. A blank copy of the *Notice of Child Custody Proceeding for Indian Child* (Form ICWA-030) is in the file for Petitioner's use. Petitioner should complete the form and return it to the Probate Clerk (Room 300) as soon as possible.

Petition for Attorney's Fees and Costs (Probate Code §2642)

		<p>JANICE M. RUSH and PATTI D. HOUSTON, Daughters, are Petitioners.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>
		<p>Petitioners provide background/history of the matter (see additional pages) and state they retained the services of LEIGH W. BURNSIDE, Attorney at Law, of the firm of Dowling Aaron Incorporated as their attorneys in all matters concerning the conservatorship to have advice of counsel and resolve disputes for the benefit of the conservatorship estate from 1/11/16 through 5/16/16. See petition for description and itemization of legal services performed.</p>	<p><u>Minute Order 7/26/16:</u> Objections need to be filed by 8/30/16. Any responses need to be filed by 9/6/16.</p>
<p>Cont. from 072616</p>			
	Aff.Sub.Wit.		<p>Public Guardian's Objections were filed 9/6/16. A Reply Declaration was filed 9/6/16 by Petitioners. See additional pages.</p>
✓	Verified		
	Inventory	X	<p>Note: Proposed Conservatee Wilma Tashjian filed a declaration on 9/7/16 regarding payment. See last page.</p>
	PTC		
	Not.Cred.		<p>SEE ADDITIONAL PAGES</p>
✓	Notice of Hrg		
✓	Aff.Mail	W	<p>Several hours have been expended by the attorneys in performing the services described, and the attorneys represent that the reasonable value of said legal services is \$37,414.00. In addition, costs of \$1,722.99 were advanced on behalf of the estate, and the filing fee for this petition is \$435.00. Total: \$39,571.99.</p>
	Aff.Pub.		
	Sp.Ntc.		<p>Declaration in Support provides itemization for 104 attorney hours @ \$250-425/hr (Attorneys Richard Aaron, Leigh Burnside, Steven Matlak, and Jared Marshall) and 31.3 paralegal hours @ \$145-150/hr. Costs include filing fees, service fees, subpoena of documentation,</p>
	Pers.Serv.		
	Conf. Screen		<p>Petitioners pray for an order that:</p>
	Letters		
	Duties/Supp		<p>1. Notice of hearing on this petition be given as required by law;</p>
✓	Objections		
	Video Receipt		<p>2. The Conservator of the Estate, the Fresno County Public Guardian, be directed to pay Dowling Aaron Incorporated from the conservatorship estate, the sum of \$37,414.00, attorney's fees for services rendered through 5/16/16, and out of pocket costs of \$2,157.99, for a total of \$39,571.99; and</p>
	CI Report		
	9202		<p>3. Such other relief as the Court deems proper.</p>
✓	Order		
	Aff. Posting		<p>SEE ADDITIONAL PAGES</p>
	Status Rpt		
	UCCJEA		<p>File 13- Tashjian</p>
	Citation		
	FTB Notice		

Page 2 – Petitioners provide the following background: Petitioners petitioned for appointment as temporary and permanent co-conservators of the person and estate of their mother, Wilma Dell Tashjian. Wilma was married to Ed Tashjian, who died on 1/27/15. At Ed's death, Wilma resided in Madera, CA. Following Ed's death, Wilma met with a financial planner, Susan E. Siemens, who prepared an irrevocable trust instrument and general durable power of attorney. Wilma executed the DPOA on 2/17/15 naming Patti as attorney-in-fact and executed the trust on 3/29/15. The only asset of the trust was Wilma and Ed's residence on A Street in Madera; however, to Petitioners' knowledge, title was never transferred to the trustees.

Pursuant to instructions from Ms. Siemens, Wilma, Jan and Patti transferred, or authorized transfer of, Wilma's funds to accounts at Bank of America. Additionally, Wilma sold her home on A Street and the net proceeds were deposited to the Bank of America accounts maintained by Jan and Patti. Jan and Patti thereafter assisted with management of Wilma's finances.

Throughout 2015, Wilma suffered illnesses and injuries and was hospitalized several times. At the recommendation of certain medical practitioners, Jan and Patti arranged for Wilma to move to Bella Vista Memory Care Community in Fresno. Following the move, her health began to improve and she expressed a desire to move back to Madera. However, she refused to be reexamined to determine if her health had sufficiently improved to leave Bella Vista. Further, Bella Vista staff represented Wilma was having ongoing behavioral and cognitive difficulties, thus staying there was in her best interest. Jan and Patti deferred to the opinions of Bella Vista staff and did not arrange for her to move back.

With the assistance of several third parties, and without Jan and Patti's knowledge, Wilma left Bella Vista on and went to the office of attorney Teresa Petty-Jones, where she signed new documents naming other non-family members as her agents and attorneys in fact. On or about 1/13/16, again with the assistance of these other third party individuals, Wilma moved out of Bella Vista to Cedar Creek Senior Living in Madera, CA, where she currently resides.

Concerned for their mother's welfare, Jan and Patti arranged for the preparation and filing of applications for temporary restraining orders against the persons responsible for causing Wilma to revoke the instruments. The Court granted certain applications. Petitioners also filed a petitions for appointment of a temporary conservator and permanent probate conservator of their mother. The Court granted temporary conservatorship ex parte on 1/15/16. In response, Wilma filed applications for TROs against Jan and Patti, which were granted. All restraining orders have since been dissolved or dismissed, and no further proceedings are pending.

On 1/27/16, and with the agreement of Jan and Patti, the Fresno County Superior Court appointed the Fresno County Public Guardian as Temporary Conservator of the Estate, and did not extend temporary conservatorship of her person.

In response to accusations by Wilma that Jan and Patti had improperly taken possession of her funds in 2015, Jan and Patti provided the PG with a written accounting of their administration of Wilma's funds, with documentation, which was accosted by the PG on 4/8/16.

SEE ADDITIONAL PAGES

Page 3 – Petitioners' background (Cont'd): Petitioners state Wilma, Jan and Patti were in disagreement as to whether Wilma was in need of a conservator and whether funds were mishandled. To avoid further litigation, and without admission of liability, fact, claim or defense, the parties resolved the dispute by entering into a **Stipulation Regarding Appointment of Probate Conservator of Estate of Wilma Dell Tashjian**, which was approved by the Court on 5/10/16. As a result, the Fresno County Public Guardian was appointed permanent conservator of the estate.

Since appointment of the PG, Jan and Patti delivered to Wilma all tangible personal property stored on her behalf, photographs and family memorabilia, small furnishings, china, glassware, etc., and turned over all funds to the PG totaling \$260,700.39. See Exhibit A.

Additionally, since then, Petitioners notified the PG about alerts received from Bank of America regarding issuance of debit cards to an address in the name of Wilma and W. Keith Lane in his capacity as Wilma's agent under a power of attorney. To Petitioner's knowledge, after they notified the PG, the PG closed the account.

NEEDS/PROBLEMS/COMMENTS:

1. **Conservatorship of the Estate was recently granted on 5/9/16. No Inventory and Appraisal of the conservatorship estate has been filed. (Status hearing is set for 9/12/16 for the filing of the I&A.)**

Pursuant to Probate Code §2640, a petition for compensation may be filed at any time after the filing of the I&A, but not before the expiration of 90 days from issuance of orders. Therefore, it appears this petition is premature.

Further pursuant to Cal. Rule of Court 7.752, the Court may order accounting before allowing compensation.

2. **The Court may require further information for determination that the amount is just and reasonable pursuant to Probate Code §2640 and Cal. Rule of Court 7.756. Specifically, without I&A and accounting, the Court may require further description of the size and nature of conservatee's estate including assets, income, and expenses, the benefit to the Conservatee for the services performed, and anticipated future needs and income.**
3. **Itemized costs include \$404 for service fees to Eddings Attorney Services. Pursuant to Local Rule 7.17, runner services are considered a cost of doing business and not reimbursable. The Court may disallow this amount.**
4. **It appears the Notice of Hearing re this petition was served on all interested parties; however, the Declaration of Leigh W. Burnside in Support of the Petition was served only on Heather Kruthers and Flora Istanboulian. The Court may require service of the declaration, which includes the itemization, on the Conservatee (Wilma Dell Tashjian) and Conservator (Public Guardian) pursuant to Probate Code §§ 2640 and 1460.**

SEE ADDITIONAL PAGES

Page 4 – Public Guardian's Objections filed 9/6/16 states:

- a) The time in connection with the TROs against Ms. Burnside's clients may be inappropriate if it only benefitted the clients and not the Conservatee, who allegedly filed the TROs against her daughters on her own;
- b) Most of the settlement work was related to protecting Ms. Rush and Ms. Houston from allegations or actions brought by the PG or any other party alleging financial abuse by them;
- c) the Conservatee should not have to pay for work related to her daughters' accounting and return of assets. The accounting did not benefit the Conservatee, but rather was required by the PG to confirm that her money had been properly spent and protected. The return of assets did benefit the Conservatee, but they should not have been taken out of the county to begin with. In fact, one item, a vehicle, had already been registered to someone else;
- d) Work related to Susan Siemens after establishment of the temporary conservatorship should not be charged to the Conservatee. Ms. Burnside's clients relied on this person's advice when attempting to do Medi-Cal planning. Payment for time requested is to refuse that there was misappropriation by the conservatee's daughters. The Conservatee gained no benefit from the daughters and/or Ms. Burnside from continuing to have discussions and/or meetings with Ms. Siemens.

The PG requests that the Court make an order as to the appropriate amount of fees to be paid by the Conservatee for Ms. Burnside's services.

Reply Declaration of Leigh W. Burnside in Support of Petition filed 9/6/16 states this declaration is in response to the objection of the Fresno County Public Guardian. See Reply for discussion re method of review with reference to Probate Code §2640.1, services re TROs, settlement-related fees and costs, accounting of Jan and Patti's management of funds, and work related to Susan Siemens (Medi-Cal consultant) after establishment of the TRO.

Declaration filed 9/7/16 by Conservatee Wilma Tashjian states she did not know the rules, and had sent a letter to the judge, which was returned to her with a notice to file a declaration. The declaration attaches a copy of the letter, which states that she wants the Court to know that she would like to pay her daughters' attorney fees because her daughters mean more to her than money. She forgives them because they thought they were protecting her and knows that they may lose their homes if they are responsible for the fees. The declaration states they went to Richard Aaron because he is her late husband's nephew. She has written to him to have mercy on his cousins, but she has not had contact with him, she guesses that means he will not help them that way. Ms. Tashjian states she informed Deputy Public Guardian Jennifer Segura of her decision, but she has gone ahead to stop her from doing this.

The declaration states: "To be sure that I am making it known I want the judge to consider my decision to pay the bill that Richard Aaron is asking for. But as his aunt, I think he should have mercy."

Note: It does not appear that the declaration was served on interested parties.

Petitioner Hernandez, David (Pro Per Petitioner)
 Petitioner Hernandez, Arminda (Pro Per Petitioner)

Petition for Appointment of Guardian of the Person

		See petition for details.	NEEDS/PROBLEMS/COMMENTS: <u>Minute Order 7/26/16:</u> The Court is going to further look into the 2005 guardianship that has been previously granted. <u>Note:</u> Further supplemental reports were filed 7/15/16 and 8/31/16 by the Court Investigator. As of 9/6/16, nothing further has been filed by Petitioners. The following issue remains noted: 1. Need proof of service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing per Probate Code §1511 <u>or</u> consent and waiver of notice <u>or</u> declaration of due diligence on the unknown father and paternal grandparents.	
Cont. from 061416, 072616				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail			W
	Aff.Pub.			
	Sp.Ntc.			
✓	Pers.Serv.			
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
✓	CI Report			
✓	Clearances			
✓	Order			
	Aff. Posting			
	Status Rpt			
✓	UCCJEA			
	Citation			
	FTB Notice			
Reviewed by: skc Reviewed on: 9/6/16 Updates: Recommendation: File 14- Ruiz				

Age: 9	<u>NO TEMPORARY REQUESTED</u>		NEEDS/PROBLEMS/COMMENTS:
	ESTHER ESQUIBEL, maternal grandmother, is petitioner.		Minute Order of 08/08/2016: Petitioner represents that the paternal grandmother is deceased; the Court orders that the DOD be submitted. Petitioner further represents that Jaime Diaz and Jaime Roland are the same person.
	<u>Please see petition for details</u>		
Cont. from 080816			1. Need proof of personal service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice for: <ul style="list-style-type: none"> Jaime Diaz (Father) – Unless the Court dispenses with notice. Note: Declaration of Due Diligence filed 06/13/2016.
<input type="checkbox"/> Aff.Sub.Wit.			
<input checked="" type="checkbox"/> Verified			2. Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or for: <ul style="list-style-type: none"> Rafael Diaz Medina Note: Declaration of Due Diligence states he is believed to be deceased <ul style="list-style-type: none"> Felipe Maldonado (Maternal Grandfather) – Unless the Court dispenses with notice. Note: Declaration of Due Diligence filed 09/01/2016
<input type="checkbox"/> Inventory			
<input type="checkbox"/> PTC			Reviewed by: LV Reviewed on: 09/07/2016 Updates: Recommendation: File 15- Esquibel
<input type="checkbox"/> Not.Cred.			
<input checked="" type="checkbox"/> Notice of Hrg			
<input checked="" type="checkbox"/> Aff.Mail	w/		
<input type="checkbox"/> Aff.Pub.			
<input type="checkbox"/> Sp.Ntc.			
<input type="checkbox"/> Pers.Serv.			
<input checked="" type="checkbox"/> Conf. Screen			
<input checked="" type="checkbox"/> Letters			
<input checked="" type="checkbox"/> Duties/Supp			
<input type="checkbox"/> Objections			
<input type="checkbox"/> Video Receipt			
<input checked="" type="checkbox"/> CI Report			
<input type="checkbox"/> 9202			
<input checked="" type="checkbox"/> Order			
<input type="checkbox"/> Aff. Posting			
<input type="checkbox"/> Status Rpt			
<input checked="" type="checkbox"/> UCCJEA			
<input type="checkbox"/> Citation			
<input type="checkbox"/> FTB Notice			

16A

Benjamin H. Smith (Estate)

Case No. 16CEPR00673

Attorney

Janisse, Ryan Michael (for Petitioner Rodney G. Smith)

Attorney

Amador, Catherine A. (for Petitioner Michael Smith, Sr.)

Attorney

Krbechek, Randolph (for Objector Michael Smith, Jr., aka Butch Smith)

Petition for Letters of Special Administration with General Powers

DOD: 6/28/14		RODNEY G. SMITH and MICHAEL H. SMITH, SR., Sons, are Petitioners and request that RODNEY G. SMITH (sic) be appointed as Special Administrator with general powers without bond.	NEEDS/PROBLEMS/COMMENTS: <u>Minute Order 8/25/16:</u> Continued to meet up with the competing petition filed by Mr. Krbechek.
Cont. from 081016, 082516		Petitioners state they have priority of appointment as the sons of the decedent and nominate MARION AUSTIN, a licensed professional fiduciary, to serve.	<u>Note:</u> Although #2b requests appointment of Rodney G. Smith, elsewhere in the document Petitioners identify MARION AUSTIN as their nominee for Special Administrator. Ms. Austin consents to serve as both Special Administrator and Administrator. <u>SEE ADDITIONAL PAGES</u>
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg	General powers – ok	
<input checked="" type="checkbox"/>	Aff.Mail	Petitioners state decedent died intestate.	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.	Residence: Fresno Publication: Fresno Business Journal	
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen	Estimated value of estate: Personal property: \$ 5,000.00 Annual income: \$ 30,000.00 Real property: \$450,000.00 Total: \$485,000.00	
<input checked="" type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp		
<input checked="" type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt	Probate Referee: Rick Smith	
<input type="checkbox"/>	CI Report	Petitioners state prior to the decedent's death, he was conserved. His conservatorship was consolidated with his wife's, Dorothy Dean Smith, who is also deceased and was conserved before her death under Case No. 11CEPR00782.	
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation	Currently pending before this Court is an Amended First and Final Account and Report of Conservator in Dorothy's conservatorship estate and a First and Final Account and Report of Conservator in Decedent's conservatorship. Both petitions seek the approval of conservator Public Guardian's accounting and the distribution of the conservatorship estate assets.	
<input type="checkbox"/>	FTB Notice		

SEE ADDITIONAL PAGES

Reviewed by: skc

Reviewed on: 9/6/16

Updates:

Recommendation:

File 16A- Smith

Page 2 – Petitioners state (Cont'd):

Petitioner Rodney G. Smith, joined by his brother and co-petitioner Michael H. Smith, Sr., seek to compel the distribution of the Decedent's conservatorship estate to his probate estate. In order to accomplish this, Decedent's estate must be opened and a personal representative appointed in order to receive the conservatorship estate assets.

Petitioners seek the appointment of professional fiduciary Marion Austin as Administrator; however, special letters are sought so that there is immediately someone appointed who can receive the conservatorship assets in the event an order to distribute the assets is entered before appointment of Marion Austin as Administrator.

Concurrently with the filing of this petition, Petitioners seek the appointment of Marion Austin as Administrator and Special Administrator of Dorothy's estate. In addition, Petitioners are challenging the decedent's estate plan. Petitioners expect the litigation regarding Ben's estate plan could take upward of 12-18 months to litigate through trial. During such time the estates' properties need to be managed in efficient and professional manner.

The appointment of a neutral party who is a professional licensed fiduciary is necessary to safeguard the estate and preserve the assets. Currently, Michael "Butch" Smith, Jr., the grandson of the decedent, purports to be the sole heir of Ben's estate (via his trust). The estate plan was executed years after Ben was diagnosed with dementia and during a time when Butch was isolating Ben.

Petitioner understands that the distrust among Butch, on the one hand, and Michael and Rodney, on the other hand, make having either side (or both sides) responsible for managing the properties pending the dispute an untenable situation.

General powers are needed and sought so that the Special Administrator has full power and authority to manage both Decedent's and Dorothy's estate pending the litigation.

On 8/1/16, Michael H. Smith, Jr., aka Butch Smith, filed Objections to:

- 1) Petition for Letters of Administration;**
- 2) Appointment of Rodney G. Smith as Special Administrator; and**
- 3) Appointment of Marion Austin as Administrator.**

Note re Objection: Objector consolidated his objections to both the Petition for Letters of Administration and the separate Petition for Letters of Special Administration into one document, and in doing so, paid only one filing fee. The Court may require the Objections to be amended to be separately filed and payment of a separate filing fee for each.

SEE ADDITIONAL PAGES

Page 3 – Objections filed 8/1/16: Objector provides procedural status and synopsis of the two conservatorship proceedings and states the original will dated 8/1/11 was deposited into 14CEPR00600. Mr. Jaech is the attorney who prepared the decedent's will dated 8/1/11. For unknown reasons, Petitioners failed to inform the Court of the existence of the will dated 8/1/11. Instead, Petitioners informed the Court that the decedent was intestate.

Objector is the named executor in the will dated 8/1/11 and is entitled to contest the appointment of Marion Austin as Administrator and Rodney Smith as Special Administrator.

Objector states there is no need for appointment of a special administrator. Nothing can happen in the decedent's estate until the Court has heard the objection filed by Butch Smith because the Public Guardian is holding the assets! (Emphasis in original.)

Further, given the history of the two conservatorship estates, there is good reason to believe the petitioners herein will not act in the best interest of the estate of the decedent, but will instead favor the interests of the Estate of Dorothy Jean Smith.

In this regarding, contestant is the only person who responded to the two pending petitions filed by the Public Guardian. Petitioners filed no objection regarding the proposed distribution from the conservatorship estates because the petitions for distribution filed by the Public Guardian favor them as beneficiaries of the Estate of Dorothy Jean Smith.

Critically, Petitioners failed to identify decedent's will, or bring such will to the attention of the Court. The Court may consider such omission as lack of candor on the part of Petitioners.

There is no reason to appoint a third party administrator. Butch Smith has proven his continuing ability to protect the assets of the Ben Smith estate against adverse claims. Butch Smith is the named executor of the decedent's will. Neither of the petitioners are so named.

Objector states Rodney Smith should not be appointed Special Administrator because Objector as named executor has a superior right to appointment, and there is no exigency that requires appointment of a special administrator. Objector states Rodney Smith as agent of petitioners will take actions that favor the beneficiaries of the Estate of Dorothy Jean Smith at the expense of the beneficiaries of the Estate of Benjamin H. Smith.

Objector states Marion Austin should not be appointed Administrator because Objector as named executor has a superior right to appointment, and as agent of Petitioners, she will take actions that favor the beneficiaries of the Estate of Dorothy Jean Smith at the expense of the beneficiaries of the Estate of Benjamin H. Smith.

Objector prays: 1) that Rodney G. Smith not be appointed as special administrator; 2) that Marion Austin not be appointed Administrator with Full IAEA; 3) for costs of suit incurred herein; and 4) for such other and further relief as the Court deems just, equitable, and proper.

SEE ADDITIONAL PAGES

Page 4 – NEEDS/PROBLEMS/COMMENTS:

1. Petitioners are separately represented; however, this petition is not signed by Catherine A. Amador, attorney for Michael H. Smith, Sr.

Note: Pursuant to Probate Code §§ 8543 and 8481(b), notwithstanding waiver of bond beneficiaries, or on petition of any interested person or on its own motion, the court may for good cause require bond. The Court may require bond of \$485,000.00.

Attorney

Janisse, Ryan Michael (for Petitioner Rodney G. Smith)

Attorney

Amador, Catherine A. (for Petitioner Michael Smith, Sr.)

Attorney

Krbechek, Randolph (for Objector Michael Smith, Jr., aka Butch Smith)

Petition for Letters of Administration; Authorization to Administer Under the IAEA

DOD: 6/28/14		RODNEY G. SMITH and MICHAEL H. SMITH, SR., Sons, are Petitioners and request that MARION AUSTON, a licensed professional fiduciary, be appointed as Administrator with Full IAEA without bond. Petitioners state they have priority of appointment as the sons of the decedent and nominate Marion Austin to serve. Petitioners state they are the sole heirs and waive bond. Full IAEA – ok Petitioners state Decedent died intestate. Residence: Fresno Publication: Fresno Business Journal Estimated value of estate: Personal property: \$ 5,000.00 Annual income: \$ 30,000.00 <u>Real property: \$450,000.00</u> Total: \$485,000.00 Probate Referee: Rick Smith On 8/1/16, Michael H. Smith, Jr., aka Butch Smith, filed Objections to: 4) Petition for Letters of Administration; 5) Appointment of Rodney G. Smith as Special Administrator; and 6) Appointment of Marion Austin as Administrator. <u>SEE ADDITIONAL PAGES</u>	NEEDS/PROBLEMS/COMMENTS: <u>Minute Order 8/25/16:</u> Continued to meet up with the competing petition filed by Mr. Krbechek. <u>Note:</u> Michael H. Smith, Jr., aka Butch Smith filed a competing petition for Probate of Will and for Letters Testamentary. See Page C. <u>Note re Objection:</u> Objector consolidated his objections to <u>both</u> the Petition for Letters of Administration and the separate Petition for Letters of Special Administration into one document, and in doing so, paid only one filing fee. The Court may require the Objections to be amended to be separately filed and payment of a separate filing fee for each. <u>SEE ADDITIONAL PAGES</u>	
Cont. from 081016, 082516				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input checked="" type="checkbox"/>	Notice of Hrg			
<input checked="" type="checkbox"/>	Aff.Mail			w
<input checked="" type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			
<input type="checkbox"/>	Conf. Screen			
<input checked="" type="checkbox"/>	Letters			
<input checked="" type="checkbox"/>	Duties/Supp			
<input checked="" type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
		Reviewed by: skc Reviewed on: 9/6/16 Updates: Recommendation: File 16B- Smith		

Page 2 – Objections filed 8/1/16: Objector provides procedural status and synopsis of the two conservatorship proceedings and states the original will dated 8/1/11 was deposited into 14CEPR00600. Mr. Jaech is the attorney who prepared the decedent's will dated 8/1/11. For unknown reasons, Petitioners failed to inform the Court of the existence of the will dated 8/1/11. Instead, Petitioners informed the Court that the decedent was intestate.

Objector is the named executor in the will dated 8/1/11 and is entitled to contest the appointment of Marion Austin as Administrator and Rodney Smith as Special Administrator.

Objector states there is no need for appointment of a special administrator. Nothing can happen in the decedent's estate until the Court has heard the objection filed by Butch Smith because the Public Guardian is holding the assets! (Emphasis in original.)

Further, given the history of the two conservatorship estates, there is good reason to believe the petitioners herein will not act in the best interest of the estate of the decedent, but will instead favor the interests of the Estate of Dorothy Jean Smith.

In this regarding, contestant is the only person who responded to the two pending petitions filed by the Public Guardian. Petitioners filed no objection regarding the proposed distribution from the conservatorship estates because the petitions for distribution filed by the Public Guardian favor them as beneficiaries of the Estate of Dorothy Jean Smith.

Critically, Petitioners failed to identify decedent's will, or bring such will to the attention of the Court. The Court may consider such omission as lack of candor on the part of Petitioners.

There is no reason to appoint a third party administrator. Butch Smith has proven his continuing ability to protect the assets of the Ben Smith estate against adverse claims. Butch Smith is the named executor of the decedent's will. Neither of the petitioners are so named.

Objector states Rodney Smith should not be appointed Special Administrator because Objector as named executor has a superior right to appointment, and there is no exigency that requires appointment of a special administrator. Objector states Rodney Smith as agent of petitioners will take actions that favor the beneficiaries of the Estate of Dorothy Jean Smith at the expense of the beneficiaries of the Estate of Benjamin H. Smith.

Objector states Marion Austin should not be appointed Administrator because Objector as named executor has a superior right to appointment, and as agent of Petitioners, she will take actions that favor the beneficiaries of the Estate of Dorothy Jean Smith at the expense of the beneficiaries of the Estate of Benjamin H. Smith.

Objector prays: 1) that Rodney G. Smith not be appointed as special administrator; 2) that Marion Austin not be appointed Administrator with Full IAEA; 3) for costs of suit incurred herein; and 4) for such other and further relief as the Court deems just, equitable, and proper.

SEE ADDITIONAL PAGES

Page 3 – NEEDS/PROBLEMS/COMMENTS:

1. Petitioners state the decedent died intestate at #3e; however, an original will dated 8/1/11 was deposited with the Court on 7/17/14, which is requested to be admitted to probate by Objector in his competing petition. Need clarification.
2. Petitioners are separately represented; however, this petition is not signed by Catherine A. Amador, attorney for Michael H. Smith, Sr.

Note: Pursuant to Probate Code §8481(b), notwithstanding waiver of bond by will or beneficiaries, or on petition of any interested person or on its own motion, the court may for good cause require bond. The Court may require bond of \$485,000.00.

If granted, the Court will set status hearings as follows:

- Tuesday, November 1, 2016 for filing of bond of \$485,000.00, if required
- Tuesday, February 14, 2017 for filing Inventory and Appraisal
- Tuesday, November 14, 2017 for filing the first account or petition for final distribution

16C**Benjamin H. Smith (Estate)****Case No. 16CEPR00673**

Attorney

Krbechek, Randolph (for Competing Petitioner Butch Smith)

Attorney

Janisse, Ryan Michael (for Original Petitioner Rodney G. Smith)

Attorney

Amador, Catherine A. (for Original Petitioner Michael Smith, Sr.)

**Petition for Probate of Will and Letters Testamentary with Authorization to Administer
Under the Independent Administration of Estates Act (Competing)**

DOD:6/28/14		MICHAEL H. SMITH, JR. aka BUTCH SMITH , Named Executor without bond, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. Need Confidential Supplement to Duties and Liabilities of Personal Representative Form DE-147S. 2. Need publication pursuant to Probate Code §8120. 3. Need Notice of Petition to Administer Estate Form DE-121. (Note: Petitioner used the general "Notice of Hearing" form DE-120; however, that form does not contain the mandatory language as set forth in Probate Code §8100.) 4. Need proof of service of Notice of Petition to Administer Estate Form DE-121 on all interested parties. Note: The Court may require that Marion Austin, nominee of original petitioners Rodney G. Smith and Michael Smith, Sr., as personal representative of this estate, be included in the notice of this competing petition. 5. Need Order, Letters. Local Rule 7.1.1.F. Note: If granted, the Court will set status hearings as follows: <ul style="list-style-type: none"> Tuesday, November 1, 2016 for filing of bond of \$485,000.00, if required Tuesday, February 14, 2017 for filing Inventory and Appraisal Tuesday, November 14, 2017 for filing the first account or petition for final distribution
		Full IAEA – need publication	
		Will dated 8/1/11	
		Residence: Fresno	
		Publication: need publication	
	Aff.Sub.Wit.	S/P	
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg	x	
	Aff.Mail	x	
	Aff.Pub.	x	
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters	x	
✓	Duties/Supp	x	
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order	x	
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
Reviewed by: skc			
Reviewed on: 9/6/16			
Updates:			
Recommendation:			
File 16C- Smith			

16C

Dept. 303, 9:00 a.m. Tuesday, September 13, 2016

Petition for Letters of Special Administration with General Powers

DOD: 10/18/12		RODNEY G. SMITH and MICHAEL H. SMITH, SR., Sons, are Petitioners and request that MARION AUSTON, a licensed professional fiduciary, be appointed as Special Administrator with general powers without bond.	NEEDS/PROBLEMS/COMMENTS: <u>Minute Order 8/25/16:</u> Continued to meet up with the competing petition filed by Mr. Krbechek. <u>Minute Order 8/10/16:</u> Continued to meet up with the Public Guardian's First and Final Account. For the record, there appears to be no objection by any party and the Court will consider ruling on 8/25/16. <u>SEE ADDITIONAL PAGES</u>
Cont. from 081016, 082516			
<input type="checkbox"/>	Aff.Sub.Wit.	Petitioner Michael H. Smith, Sr., is the named executor pursuant to the decedent's will.	
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory	Petitioners state they have priority of appointment as the sons of the decedent and nominate Marion Austin to serve.	
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.	Petitioners state they are the sole heirs and waive bond.	
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail	General powers – ok	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.	Will dated 10/24/11	
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen	Residence: Kerman Publication: Fresno Business Journal	
<input checked="" type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp	Estimated value of estate: Personal property: \$ 5,000.00 Annual income: \$ 30,000.00 Real property: \$450,000.00 Total: \$485,000.00	
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt	Probate Referee: Rick Smith	
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202	Petitioners state prior to the decedent's death, she was conserved. Her conservatorship was consolidated with her husband's BENJAMIN H. SMITH , who is also deceased and was conserved before his death under Case. No. 11CEPR00782.	
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting	Currently pending before this Court is an Amended First and Final Account and Report of Conservator in Decedent's conservatorship estate and a First and Final Account and Report of Conservator in Ben's conservatorship. Both petitions seek the approval of conservator Public Guardian's accounting and the distribution of the conservatorship estate assets.	
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice	<u>SEE ADDITIONAL PAGES</u>	Reviewed by: skc Reviewed on: 9/6/16 Updates: Recommendation: File 17A- Smith

Page 2 – Petitioners state (Cont'd):

Petitioner Rodney G. Smith, joined by his brother and co-petitioner Michael H. Smith, Sr., seek to compel the distribution of the Decedent's conservatorship estate to her probate estate. In order to accomplish this, Decedent's estate must be opened and a personal representative appointed in order to receive the conservatorship estate assets.

Petitioners seek the appointment of professional fiduciary Marion Austin as Administrator with Will Annexed; however, special letters are sought so that there is immediately someone appointed who can receive the conservatorship assets in the event an order to distribute the assets is entered before appointment of Marion Austin as Administrator with Will Annexed.

Furthermore, Petitioners are challenging Decedent's husband's estate plan. Concurrently with the filing of this petition, Petitioners seek the appointment of Marion Austin as Administrator and as Special Administrator of Ben's estate. Petitioners expect the litigation regarding Ben's estate plan could take upward of 12-18 months to litigate through trial. During such time Ben and Decedent's estate properties need to be managed in efficient and professional manner.

The appointment of a neutral party who is a professional licensed fiduciary is necessary to safeguard the estate and preserve the assets. Currently, Michael "Butch" Smith, Jr., the grandson of the decedent, purports to be the sole heir of Ben's estate (via his trust). The estate plan was executed years after Ben was diagnosed with dementia and during a time when Butch was isolating Ben.

Even though Petitioner Michael is the named executor under Decedent's will, he understands that the distrust among Butch, on the one hand, and Michael and Rodney, on the other hand, make having either side (or both sides) responsible for managing the properties pending the dispute an untenable situation.

General powers are needed and sought so that the Special Administrator has full power and authority to manage both Decedent's and Ben's estate pending the litigation.

NEEDS/PROBLEMS/COMMENTS: The following issues remain noted:

- 2. Petitioners are separately represented; however, this petition is not signed by Catherine A. Amador, attorney for Michael H. Smith, Sr.**
- 3. Need waiver of bond from the Trustee of the Dorothy Jean Smith Living Trust, which is the sole heir per the decedent's will.**

Note: Pursuant to Probate Code §§ 8543 and 8481(b), notwithstanding waiver of bond by will or all beneficiaries, or on petition of any interested person or on its own motion, the court may for good cause require bond. The Court may require bond of \$485,000.00.

Attorney
AttorneyJanisse, Ryan Michael (for Petitioner Rodney G. Smith)
Amador, Catherine A. (for Petitioner Michael H. Smith, Sr.)Petition for Probate of Will and for Letters of Administration with Will Annexed;
Authorization to Administer Under the IAEA

DOD: 10/18/12		RODNEY G. SMITH and MICHAEL H. SMITH, SR., Sons, are Petitioners and request that MARION AUSTON, a licensed professional fiduciary, be appointed as Administrator with Will Annexed with Full IAEA without bond.	NEEDS/PROBLEMS/COMMENTS: <u>Minute Order 8/25/16:</u> Continued to meet up with the competing petition filed by Mr. Krbechek. <u>Minute Order 8/10/16:</u> Continued to meet up with the Public Guardian's First and Final Account. For the record, there appears to be no objection by any party and the Court will consider ruling on 8/25/16. <u>SEE PAGE 2</u>	
Cont. from 081016, 082516				
<input type="checkbox"/>	Aff.Sub.Wit.			S/P
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory	Petitioners state they have priority of appointment as the sons of the decedent and nominate Marion Austin to serve.		
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input checked="" type="checkbox"/>	Notice of Hrg	Petitioners state they are the sole heirs and waive bond.		
<input checked="" type="checkbox"/>	Aff.Mail	w		
<input checked="" type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			
<input type="checkbox"/>	Conf. Screen	Residence: Kerman Publication: Fresno Business Journal		
<input checked="" type="checkbox"/>	Letters			
<input checked="" type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections	Estimated value of estate: Personal property: \$ 5,000.00 Annual income: \$ 30,000.00 Real property: \$450,000.00 Total: \$485,000.00		
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202	Probate Referee: Rick Smith		
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting	Petitioners state the decedent and her husband, BENJAMIN H. SMITH were both conserved at the time of their deaths (Consolidated Case No. 11CEPR00782). Petitioners are contesting Ben's will and trust. Since the conservatorship estates each own undivided 50% interests in Decedent's and Ben's assets, Petitioners seek to have Professional fiduciary Marion Austin appointed so the properties can be managed pending resolution of the contest of Ben's estate plan. The estate properties consist of rental properties that are producing income.		
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			

Reviewed by: skc
Reviewed on: 9/6/16
Updates:
Recommendation:
File 17B- Smith

Page 2 – NEED/PROBLEMS/COMMENTS: The following issues remain noted:

1. Petitioners are separately represented; however, this petition is not signed by Catherine A. Amador, attorney for Michael H. Smith, Sr.
2. Need original will pursuant to Probate Code §8200.
3. Need waiver of bond from Michael Smith, Sr., as the Trustee of the Dorothy Jean Smith Living Trust, which is the sole heir per the decedent's will.

Note: Pursuant to Probate Code §8481(b), notwithstanding waiver of bond by will or beneficiaries, or on petition of any interested person or on its own motion, the court may for good cause require bond. The Court may require bond of \$485,000.00.

4. It appears the decedent resided within the city limits of the City of Kerman at her death; therefore, pursuant to Local Rule 7.9, publication should have been in the Kerman News rather than the Fresno Business Journal. The Court may require republication.

If granted, the Court will set status hearings as follows:

- Tuesday, November 1, 2016 for filing of bond of \$485,000.00, if required
- Tuesday, February 14, 2017 for filing Inventory and Appraisal
- Tuesday, November 14, 2017 for filing the first account or petition for final distribution

Petition for Appointment of Probate Conservator of Person and Estate

		<u>NO TEMPORARY REQUESTED</u>	NEEDS/PROBLEMS/COMMENTS:	
		ISAURA NIEVES , mother, is petitioner and requests that she and JOSE ANTONIO AGUILAR (stepfather), be appointed co-conservators of the person and estate with bond of \$473,276.00, with medical consent powers. <i>See petition for details.</i>	Court Investigator advised rights on 7/27/2016.** Voting Rights Affected – need minute order. <u>Note:</u> If the petition is granted, status hearings will be set as follows: <ul style="list-style-type: none"> • Tuesday, October 18, 2016 at 9:00 am in Department 303, for the filing of the bond. • Tuesday, January 17, 2017 at 9:00 a.m. in Department 303, for the filing of the inventory and appraisal. • Tuesday, November 14, 2017 at 9:00 a.m. in Department 303, for the filing of the first account. Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior, the date set the status hearing will come off calendar and no appearance will be required.	
Cont. from 081616				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail			w/
	Aff.Pub.			
	Sp.Ntc.			
✓	Pers.Serv.			w/
	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
✓	Video Receipt			
✓	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
✓	Citation			
	FTB Notice			
			Reviewed by: SEF	
			Reviewed on: 9/8/2016	
			Updates:	
			Recommendation:	
			File 18- Nieves	

Petition for Appointment of Guardian of the Person

			See petition for details.	NEEDS/PROBLEMS/COMMENTS: <u>Note:</u> If this petition goes forward, continuance is necessary for investigation pursuant to Probate Code §1513. In addition, the following issues are noted: 1. Need proof of service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing per Probate Code §1511 <u>or</u> consent and waiver of notice <u>or</u> declaration of due diligence on: - Paternal Grandfather Johnny T. Romero, Jr. - Maternal Grandfather Lindsey Edwards
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
	Aff.Mail	X		
	Aff.Pub.			
	Sp.Ntc.			
✓	Pers.Serv.	W		
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report	X		
	Clearances	X		
✓	Order			
	Aff. Posting			
	Status Rpt			
✓	UCCJEA			
	Citation			
	FTB Notice			
			Reviewed by: skc	
			Reviewed on: 9/6/16	
			Updates:	
			Recommendation:	
			File 19- Romero	

20 Joshua Gonzales, Jr., Alexa Gonzales, & Zoey Gonzales (GUARD/P)**Case No. 16CEPR00733****Petitioner Cantu-Granados, Eleanor (Pro Per – Paternal Grandmother – Petitioner)****Objector Garcia, Crystal (Pro Per – Mother – Objector)****Petition for Appointment of Guardian of the Person**

See petition for details.			NEEDS/PROBLEMS/ COMMENTS:
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg		
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
✓	Pers.Serv.		
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
✓	Objections		
	Video Receipt		
✓	CI Report		
✓	Clearances		
	Order		
	Aff. Posting		
	Status Rpt		
✓	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: skc
			Reviewed on: 9/6/16
			Updates: 9/7/16
			Recommendation:
			File 20- Gonzales

20

Attorney Judy A. Jensen, of Modesto (for Petitioner Madeline Silveira)

**Petition for Letters of Administration; Authorization to Administer
Under the IAEA**

DOD: 6/11/2016		MADELINE SILVEIRA , mother, is Petitioner and requests appointment as Administrator without bond (<i>All heirs waive bond.</i>) Full IAEA — OK Decedent died intestate. Residence — Fresno Publication — Fresno Bee Estimated value of the Estate: Personal property - \$248,000.00 Annual income RP - \$ 8,000.00 <hr/> Total - \$256,000.00 Probate Referee: Rick Smith	NEEDS/PROBLEMS/COMMENTS: <u>Note:</u> Court will set status hearings as follows: <ul style="list-style-type: none"> • Tuesday, February 14, 2017 at 9:00 a.m. in Dept. 303 for filing of inventory and appraisal; and • Tuesday, November 14, 2017 at 9:00 a.m. in Dept. 303 for filing of first account and/or petition for final distribution. <hr/> Pursuant Local Rule 7.5, if the documents noted above are filed 10 days prior to the dates listed, the hearings will be taken off calendar and no appearance will be required.
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail W/		
<input checked="" type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input checked="" type="checkbox"/>	FTB Notice		

Attorney Jeffrey A. Jaech (for Petitioner Marcella Smith)

**Petition for Letters of Administration; Authorization to Administer
Under the IAEA**

DOD: 8/5/2015	MARCELLA SMITH , spouse, is Petitioner and requests appointment as Administrator with bond set at \$230,000.00 .	NEEDS/PROBLEMS/COMMENTS: <u>Note:</u> Court will set status hearings as follows: <ul style="list-style-type: none"> Tuesday, October 18, 2016 at 9:00 a.m. in Dept. 303 for filing proof of \$230,000.00 bond; Tuesday, February 14, 2017 at 9:00 a.m. in Dept. 303 for filing of inventory and appraisal; and Tuesday, November 14, 2017 at 9:00 a.m. in Dept. 303 for filing of first account and/or petition for final distribution. Pursuant Local Rule 7.5, if the documents noted above are filed 10 days prior to the dates listed, the hearings will be taken off calendar and no appearance will be required.
Cont. from		
<input type="checkbox"/> Aff.Sub.Wit.	Full IAEA — OK	
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory	Decedent died intestate.	
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg	Residence — Fresno Publication — Business Journal	
<input checked="" type="checkbox"/> Aff.Mail	W/	
<input checked="" type="checkbox"/> Aff.Pub.	Estimated value of the Estate:	
<input type="checkbox"/> Sp.Ntc.	Real property - \$230,000.00	
<input type="checkbox"/> Pers.Serv.	Total - \$230,000.00	
<input type="checkbox"/> Conf. Screen		
<input checked="" type="checkbox"/> Letters		
<input checked="" type="checkbox"/> Duties/Supp	Probate Referee: Rick Smith	
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		

Reviewed by: LEG
Reviewed on: 9/7/16
Updates:
Recommendation: SUBMITTED
File 22- Smith

Petition for Appointment of Probate Conservator of the Person and Estate

See petition for details.			NEEDS/PROBLEMS/COMMENTS: Court Investigator advised rights on 8/16/16 Voting rights affected – need minute order 1. Need Capacity Declaration in support of medical consent and dementia medication powers.
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail	W	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input checked="" type="checkbox"/>	Pers.Serv.	W	
<input type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input checked="" type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input checked="" type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			Reviewed by: skc
			Reviewed on: 9/7/16
			Updates:
			Recommendation:
			File 23- Perry

Petition for Letters of Administration; Authorization to Administer Under the IAEA

24

Petitioner Canton, Alan (Pro Per – Former Spouse – Petitioner)
 Attorney Istanbulian, Flora (Court appointed for proposed Conservatee)
 Attorney Kruthers, Heather (for Public Guardian – Temporary Conservator)

Petition for Appointment of Probate Conservator of the Person and Estate

			See petition for details.	NEEDS/PROBLEMS/COMMENTS: Court Investigator advised rights on 9/2/16 <u>Minute Order 8/22/16 (Temp):</u> The Court is concerned regarding a possible conflict of interest as to the petitioner. The Court appoints the Public Guardian as temporary conservator of the Person and Estate with medical consent powers; Letters are to issue from the minute order forthwith. The Court notes that a capacity declaration is needed. Petitioner is to turn over any and all information to the Public Guardian within a week. The general hearing remains for 9/13/16 <u>SEE ADDITIONAL PAGES</u>
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail	W		
	Aff.Pub.			
	Sp.Ntc.			
✓	Pers.Serv.	W		
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt	X		
✓	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
✓	Citation			
	FTB Notice			
			Reviewed by: skc	
			Reviewed on: 9/7/16	
			Updates:	
			Recommendation:	
			File 25- Canton	

Page 2 – NEEDS/PROBLEMS/COMMENTS:

1. Petitioners lists three sons at #11 of the petition, who were served Notice of Hearing; however, need clarification that these are all of the proposed conservatee's relatives within the second degree, which includes grandparents, parents, children, grandchildren, and siblings. If there were second degree relatives omitted from this list, need declaration with a revised list per #11 (names, relationships, addresses) and continuance for proper notice to those entitled.
2. Petitioner is the former spouse of the proposed Conservatee; however, the petition is blank at #6b as to how it is in the proposed conservatee's best interest that he be appointed. The Court may require clarification pursuant to Probate Code §1812, which indicates preference for a current spouse and adult children.
3. Petitioner checks the box at #1k to request orders related to dementia placement or treatment; however, Petitioner did not include the mandatory Attachment Requesting Special Orders Re Dementia (GC-313), which specifies the powers requested. Because the Attachment was not included, it also was not served on the proposed Conservatee and relatives. The Court may require that the Attachment be filed and served on all interested parties.
4. Need Capacity Declaration (GC-335) and Dementia Attachment to Capacity Declaration (GC-335A) in support of the additional powers requested.
5. Petitioner does not state the estimated value of the proposed Conservatee's real property at #3e(5).
6. Need video receipt per Local Rule 7.15.8.
7. Petitioner requests appointment without bond; however, bond is required for every conservator of the estate including an amount for cost of recovery pursuant to Cal. Rule of Court 7.207 and Probate Code §2320(c)(4). Therefore, if granted, need bond of \$138,600.00.

Petitioner Diane Marie Gaines (Pro Per, "maternal relative")
 Petitioner Paul Herbert Gaines (Pro Per, "maternal relative by marriage")

Petition for Appointment of Temporary Guardian of the Person

		<u>General Hearing set for 11/1/2016</u>	NEEDS/PROBLEMS/COMMENTS:
		<p>DIANE MARIE GAINES and PAUL HERBERT GAINES, maternal relatives [<i>specific relationship unspecified</i>] are Petitioners.</p> <p align="center">~Please see Petition for details~</p>	
Cont. from			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg	N/A	
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
✓	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: LEG
			Reviewed on: 9/7/16
			Updates:
			Recommendation:
			File 26- Johnson/ Spolini